

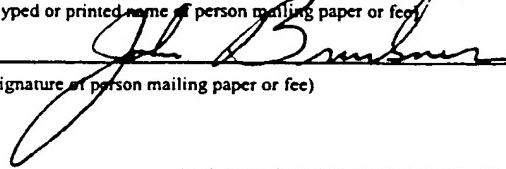
CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label No. EM083239927US

Date of Deposit: May 14, 1998

I hereby certify that this paper or fee is being deposited with sufficient postage with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231

John Bruckner

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)


07/09/01
JC903 US 51310
06/09/901310
P10

PATENT
Attorney Docket No. 13928-707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Alfred S. Despres, III; Eugene J. Elwood;)
Robert R. Aharonov; Peter Ehlers;)
and Knut Andersen Alfred S. Despres)
Application No.: Not yet assigned)
Filed: May 14, 1998) Group Art Unit: Unassigned
For: IMPLANT WITH COMPOSITE) Examiner: Unassigned
COATING)
COATING)

UTILITY PATENT
APPLICATION TRANSMITTAL LETTER
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

Enclosed for filing is an [X] original patent application or, [] a continuation, patent application by Alfred S. Despres, III; Eugene J. Elwood; Robert R. Aharonov; Peter Ehlers; and Knut Andersen for IMPLANT WITH COMPOSITE COATING; including

23 pages of specification, claims and abstract;

8 sheet(s) of drawing(s);

1. The Oath or Declaration of the inventor(s) [] also is enclosed [X] will follow.

a. [] Newly executed (original or copy)

b. [] Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 14 completed)

i. [] DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

2. [] Incorporation By Reference (*useable if Box 1b is checked*)
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 1b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
3. [] Microfiche Computer Program (*Appendix*)
4. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
- [] Computer Readable Copy
 - [] Paper Copy (identical to computer copy)
 - [] Statement verifying identity of above copies
5. [] Assignment Papers (cover sheet & document(s))
6. [] 37 CFR 3.73(b) Statement [] Power of Attorney
 (when there is an assignee)
7. [] English Translation Document (*if applicable*)
8. [] Information Disclosure Statement (IDS) PTO-1449 [] Copies of IDS Citations
9. [] Preliminary Amendment
10. [x] Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
11. [] Small Entity Statement(s) [] Statement filed in prior application,
 Status still proper and desired
12. [] Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
13. [] Other: _____

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

[] Continuation [] Divisional [] Continuation-in-part (CIP)
 of prior application No. _____.

15. The fee has been calculated as follows:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					790.00
Total Claims	75	MINUS 20 =	55	\$22.00=	1210.00
Independent Claims	4	MINUS 3 =	1	\$82.00=	82.00
If multiple dependent claims are presented, add \$270.00					

Total Application Fee	2,082.00
If verified statement claiming small entity status is enclosed, subtract 50% of Total Application Fee	1,041.00
Add Recording Fee of \$40.00 if Assignment document is enclosed	0
TOTAL APPLICATION FEE DUE	1041.00

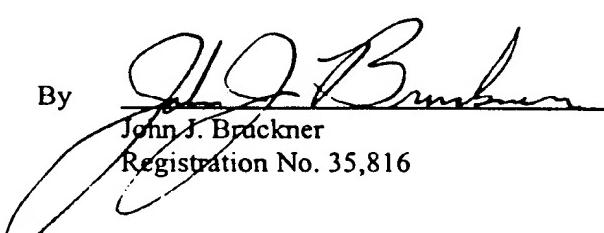
- A check in the amount of \$____ is enclosed.
- The Assistant Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No.23-2415 (Docket No. 13928-707). A duplicate copy of this paper is enclosed.
- Fees will be paid when responding to the Notice to File Missing Parts.

Address all future communications to:

John J. Bruckner
 Wilson Sonsini Goodrich & Rosati
 650 Page Mill Road
 Palo Alto, CA 94304-1050

Respectfully submitted,
 WILSON SONSINI GOODRICH & ROSATI

By


 John J. Bruckner
 Registration No. 35,816

650 Page Mill Road
 Palo Alto, CA 94304-1050
 (650) 493-9300

Date: May 14, 1998

Please type a plus sign (+) inside this

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/079,502
Filing Date	5/14/98
First Named Inventor	Alfred S. Despres, III
Group Art Unit	3738
Examiner Name	not assigned

U.S. PTO
09/90/310
07/09/01

Total Number of Pages in This Submission

Attorney Docket Number 13928-707

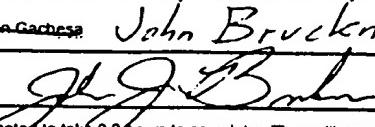
ENCLOSURES

<input checked="" type="checkbox"/> Fee Transmittal Form	X (4) Assignment Papers (for an Application) 1 assignment from Germany
<input checked="" type="checkbox"/> Authorization to Charge Deposit Account Attached	Drawing(s)
<input type="checkbox"/> Amendment/Response	<i>[Signature]</i> Revocation and Power of Attorney by Assignee
<input type="checkbox"/> After Final	Petition Routing Slip (PTO/SB/69) and Accompanying Petition
<input type="checkbox"/> Affidavits/declarations	To Convert a Provisional Application
<input type="checkbox"/> Extension of Time Request	2 Declaration of Inventor(s) 2 declarations (one from Germany)
<input type="checkbox"/> Express Abandonment Request	Terminal Disclaimer
<input type="checkbox"/> Information Disclosure Statement	X Small Entity Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)	Request for Corrected Filing Receipt
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	After Allowance Communication to Group
	Appeal Communication to Board of Appeals and Interferences
	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
	Proprietary Information
	Status Letter
	Additional Enclosure(s) (please identify below):
	Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	WILSON SONSINI GOODRICH & ROSATI (John Bruckner)		
Signature		Date	Dec. 1, '98

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail to: Assistant Commissioner for Patents, Washington, D.C. 20231, on	Date	Dec. 1, '98	
Typed or printed name	John Bruckner		
Signature		Date	Dec. 1, '98

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FEE TRANSMITTAL

Note: Effective October 1, 1997.
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1661)

Complete if Known	
Application Number	09/079,502
Filing Date	5/14/98
First Named Inventor	Alfred S. Despres, III
Group Art Unit	3738
Examiner Name	not assigned
Attorney Docket Number	13928-707

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 23-2415 (13928-707)

Deposit Account Name Wilson Sonsini Goodrich & Rosati

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. Payment Enclosed:
 Check Money Order Other

FEE CALCULATION**FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	790	201	395	Utility filing fee	395
106	330	206	165	Design filing fee	
107	540	207	270	Plant filing fee	
108	790	208	395	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$)				395	

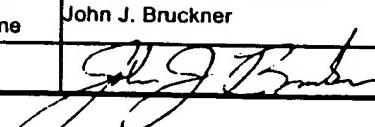
CLAIMS

Total Claims	75	- 20 =	55	Extra	Fee from below	Fee Paid
Independent Claims	4	- 3 =	1	X	11	= 605
Multiple Dependent Claims				X	41	= 41

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	22	203	11	Claims in excess of 20	
102	82	202	41	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim	
109	82	209	41	Reissue Independent claims over original patent	
110	22	210	11	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)				1436	

SUBMITTED BY

Complete (if applicable)			
Typed or Printed Name	John J. Bruckner	Reg. Number	35,816
Signature		Date	12/1/98
			Deposit Account User ID 23-2415 (13928-707)

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

07/09/01
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09/09/01
JC903 U.S. PTO
09/09/01
07/09/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.
Serial No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/079,502 filed 05/14/98 by Alfred S. Despres III, Eugene J. Elwood, Robert R. Aharonov, Peter Ehlers, and Knut Andersen for IMPLANT WITH COMPOSITE COATING.

Submitted with this request are the following:

1. A true copy of said pending prior application Serial No. 09/079,502 (including specification, claims and drawings) as originally filed;
2. A copy of (i) a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, (ii) a RESPONSE TO MISSING PARTS, (iii) two DECLARATION AND POWER OF ATTORNEY documents listing the names of the inventors and signed by the inventors Alfred S. Despres III, Eugene J. Elwood, Robert J. Aharonov, Peter Ehlers, and Knut Andersen, specifically identifying the parent of this application by serial number and filing date, (iv) a VERIFIED STATEMENT CLAIMING SMALL ENTITY BUSINESS STATUS, and (v) four ASSIGNMENT AND REQUEST FOR RECORDATION documents of same.

HAYES-707 CON

Case Docket No.: HAYES-707 CON

JC903 U.S. PRO
 09/901310
 07/09/01



Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Alfred S. Despres III et al.

For: IMPLANT WITH COMPOSITE COATING

Enclosed are:

- 9 sheets of drawings.
 An assignment of the invention to: Hayes Medical, Inc.
 A verified statement to establish small entity status.
 REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
Basic Fee				\$355.00		\$710.00
Total Claims	75 - 20	55	x \$ 9.00	495.00	x \$18.00	
Ind. Claims	4 - 3	1	x \$40.00	40.00	x \$ 80.00	
Mult. Claims			+ \$130.00		+ \$260.00	
Total \$890.00						

- Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$890.00 to cover the filing fee (and assignment recording fee) is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 CFR 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- Any patent application processing fees under 37 CFR 1.17.
 - The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
 - Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,


 7/9/01
 Mark J. Pandiscio
 Pandiscio & Pandiscio
 470 Totten Pond Road
 Waltham, Massachusetts 02154
 Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.
Serial No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

Respectfully submitted,

Mark Pandiscio 7/9/01

Mark J. Pandiscio
Registration No. 30,883
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154
Tel. (781) 290-0060

"Express Mail Mailing Label Number EF221796744US
Date of Deposit JULY 9, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark Pandiscio 7/9/01
Mark J. Pandiscio

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said prior application Serial No. 09/079,502 is a complete and true copy; and

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/079,502 and

5. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on July 9, 2001 as provided for under 37 CFR 1.10.

The Power of Attorney in the prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02154-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior application Serial No. 09/079,502.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.
Serial No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts
County of Middlesex

I, Mark J. Pandisico, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 09/079,502 filed 05/14/98, and that the enclosed application is a true and complete copy of the above-identified prior application Serial No. 09/079,502 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 09/079,502 introduced new matter therein.

Mark J. Pandisico 7/9/01
Mark J. Pandisico
Registration No. 30,883

Sworn to before me this 9th day of July, 2001.
Mark J. Pandisico
Notary Public
My commission expires: 7/15/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alfred S. Despres III et al.
Application No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

COPY

POWER OF ATTORNEY

Hayes Medical, Inc. being the owner of all right, title and interest in and to the above-identified patent application, hereby revokes all former Powers of Attorney granted with respect to said patent application and appoints Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17,293, Mark J. Pandiscio, Registration No. 30,883, Scott R. Foster, Registration No. 20,570, and James A. Sheridan, Registration No. 43,114, or any of them, all of 470 Totten Pond Road, Waltham, Massachusetts 02451-1914, as its attorneys, with full power of substitution, association and revocation, to prosecute and maintain said patent application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

HAYES MEDICAL, INC.

1-05-01
Date

By: Carolyn H. Preising
Names: Carolyn H. Preising
Title: Secretary and Corp. Counsel

MB/HAYES.POA



13728-101
Hayes Medf.
JTB
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
109-10003-502	05/14/98	DESPRES	A 13028-7012

JOHN T CRUZER
WILSON CONSULTING GOODRICH & WISMAN
650 PARK MILLS ROAD
PALO ALTO CA 94302-1050

026270601

DATE ASSIGNED

3/7/98

DATE MAILED:

06/01/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed) non-small entity is \$ 225.00.

1. The statutory basic filing fee is:

- missing.
 insufficient.

Applicant must submit \$ 75.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ 150.00, including any multiple dependent claim fees, are required.

\$ 150.00 for 1 independent claims over 3.

\$ 150.00 for 5 dependent claims over 20.

\$ 150.00 for multiple dependent claim surcharge.

6/5/98 PG
US MISSING PARTS

3. - The oath or declaration:
 is missing or unexecuted.

- does not cover the newly submitted items.
 does not identify the application to which it applies.
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202